



REMARKS

Applicant respectfully requests reconsideration. Claims 1-21 were previously pending in this application. By this amendment, Applicant is amending claims 1, 9, 14, 17, 19, and 20. New claims 22 and 23 have been added. As a result, claims 1-23 are pending for examination with claims 1, 9, 19, and 20 being independent claims. No new matter has been added.

Rejections under 35 U.S.C. §112

Claims 1-8, 14, 17, and 19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the language “a standard mail bin” has been cited as being indefinite.

Applicant has amended claim 1 to recite “a standard mail bin used by the postal service” and claims 14, 17, and 19 to recite “a mail sorting bin used by the postal service.” As known to those of skill in the art, the postal service has a few standard mail bin sizes, many of which are configured to work with their automated machinery such as sorting and lidding. Thus, “a standard mail bin as defined by the postal service” or “a mail sorting bin as defined by the postal service” would refer to one of these mail bin sizes.

Applicant furthermore submits that the amendments to the claims are fully supported by the specification as filed. For example, on page 5, line 29 to page 6, line 2, the specification states, “In particular, the insert 2 may be sized and configured to fit any mail bin 1, and may be chosen to fit a standard mail bin which is configured for use in other automated operations such as lidding.” Additionally, the first full paragraph on page 8 describes use of the insert. After the insert is placed in the bin, mail is sorted into it in carrier walk sequence. Therefore, the insert is used by the postal service because they are the ones who sort and deliver the mail. This conclusion is further supported by the fact that the background section of the specification describes the current methods of the postal service in sorting and delivering the mail. Thus, Applicant respectfully submits that clarifying that a “standard” mail bin is one of the mail bin sizes used by the postal service is not new matter.

Accordingly, withdrawal of the rejection of claims 1-8, 14, 17, and 19 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1, 2, 4-10, and 12-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,659,509 to Ashbrook.

Applicant respectfully submits that Ashbrook does not disclose supports or vertical sections sized and configured to support flat mail in a substantially vertical or upright orientation, as required by claims 1, 19, and 20. The pockets 6 disclosed in Ashbrook are very short, as shown in Figure 1, because they are designed to hold envelopes in a desk drawer. An envelope is much taller than the inclined back wall 9 of Ashbrook, which indicates that the back wall 9 is far too short to support flat mail in a substantially vertical or upright orientation. As discussed in the background section of the present application, flat mail that is not adequately supported will not maintain a substantially vertical or upright orientation. Instead, it will curl, slip, or fall over.

Furthermore, Applicant respectfully submits that Ashbrook does not disclose predefined fold lines as claimed in claims 20 and 21. The insert described by Ashbrook is created by folding a piece of sheet metal along a number of lines, but the fold lines are not predefined. As described on page 7, lines 5-6, some examples of predefined fold lines include “scores, prefolded lines, perforations, and thinned material.” In other words, their location is determined before the folding process begins. There is no indication in Ashbrook that the location of the folds in the sheet metal are determined until the fold is made. Therefore, Applicant respectfully submits that Ashbrook does not disclose predefined fold lines.

Without acquiescing to the propriety of the rejection, Applicant has amended claims 1, 9, 19, and 20 to further distinguish Ashbrook. The independent claims now recite that the supports or vertical sections have “a slope height ... at least substantially as large as a width of the flat mail.” This amendment is supported in the specification as filed. On page 5, lines 23-24, the specification states, “Additionally or alternatively, the slope height  $h_s$  of the vertical support 21 may be configured to be at least as large as the width of standard magazines and newspapers....” Since the slope height of the inclined back wall 9 in Ashbrook is much shorter than the width of

flat mail, claims 1, 9, 19, and 20 are not anticipated by Ashbrook for at least that additional reason.

Claims 1-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,908,821 to Lambert et al.

Applicant respectfully submits that Lambert et al does not disclose supports or vertical sections sized and configured to support flat mail in a substantially vertical or upright orientation, as required by claims 1, 19, and 20. The insert described by Lambert is for organizing cancelled checks. "For this purpose the tray has therein means providing spaced dividers 13 providing upwardly opening pockets 14 to receive canceled checks." (column 2, lines 1-3) Canceled checks are substantially shorter than flat mail, thus the dividers 13 described by Lambert et al are too short to support flat mail in a substantially vertical or upright orientation. As discussed in the background section of the present application, mail that is not adequately supported will curl, slip, or fall over.

Without acquiescing to the propriety of the rejection, Applicant has amended claims 1, 9, 19, and 20 to further distinguish Lambert et al. The independent claims now recite that the supports or vertical sections have "a slope height ... at least substantially as large as a width of the flat mail." The dividers 13, which are the height of checks, do not meet this additional limitation. As discussed above in connection with Ashbrook, this amendment is fully supported by the application as filed.

Claims 1-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,754,646 to Henig.

Applicant respectfully submits that Henig does not disclose supports or vertical sections sized and configured to support flat mail in a substantially vertical or upright orientation, as required by claims 1, 19, and 20. The letter tray described by Henig has very short notches along the bottom surface. "Thus, as illustrated in FIG. 11, the receptacle of FIGS. 1-7 can be constructed with bottom wall 2a, trailing end wall 3a and front end wall 4a formed of a single piece of single face corrugated box board, with the corrugations upwardly exposed as shown, *the corrugations then defining the notches 7a.*" (column 7, lines 13-19, emphasis added). The

corrugations 7a described by Henig are too short to support flat mail in a substantially vertical or upright orientation.

Furthermore, Applicant respectfully submits that Henig does not disclose predefined fold lines as claimed in claims 20 and 21. As discussed above, the tray described by Henig is formed from corrugated cardboard, not a sheet with predefined fold lines. As discussed on page 7, lines 5-6, some examples of predefined fold lines include “scores, prefolded lines, perforations, and thinned material.” In other words, their location is determined before the folding process begins. There is no indication in Henig that the locations of the corrugations in the cardboard were determined before the corrugations were formed. To the contrary, Henig simply discloses utilizing a single piece of single face corrugated box board. Therefore, Applicant respectfully submits that Henig does not disclose predefined fold lines.

Without acquiescing to the propriety of the rejection, Applicant has amended claims 1, 9, 19, and 20 to further distinguish Henig. The independent claims now recite that the supports or vertical sections have “a slope height ... at least substantially as large as a width of the flat mail.” The corrugations described by Henig clearly do not meet that limitation. As noted above, this amendment is fully supported by the application as filed.

Claims 1-4, 7, 9-12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,913,151 to Stevenson.

Applicant respectfully submits that Stevenson does not disclose a “support ... sized and configured to support flat mail in a substantially vertical orientation,” as required by claim 1. The barrier elements 54 of Stevenson are not tall enough to support flat mail in a substantially vertical orientation. Although the specification states that the embodiment of Figure 8 “is particularly useful when dealing with other than letter size mail, for example magazines” (column 5, lines 3-4), the specification does not elucidate how barrier elements that are higher at the rear than at the front would aid the handling of non-letter size mail. Applicants respectfully submit that the barrier elements 54 would not serve to prevent flat mail from curling over, especially at the front, and thus the barrier elements 54 do not support flat mail in a substantially vertical orientation.

Without acquiescing to the propriety of the rejection, Applicant has amended claims 1 and 9 to further elucidate the difference between the Applicant's insert and the tray of Stevenson. The independent claims now recite that the supports or vertical sections have "a slope height ... at least substantially as large as a width of the flat mail." From Figure 8 of Stevenson, it appears that the barrier elements 54 extend only a fraction of the height of the mail tray 14B. In the embodiment of Figure 5, it appears that the larger mail (presumably flat mail) extends vertically beyond the top of the mail tray 14B. Therefore, Applicant respectfully submits that the barrier elements 54 do not have "a slope height ... at least substantially as large as a width of the flat mail" as claimed in claims 1 and 9. As noted above, this amendment is fully supported by the application as filed.

Claims 9-12, 14, 17 and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0168993 to Pippin et al.

Without acquiescing to the propriety of the rejection, Applicant has amended claim 9 to further distinguish Pippin et al. Claim 9 now recites "at least one substantially rigid substantially vertical section." This amendment is fully supported by the application as filed. Some named examples of materials that could be used for the insert include "cardboard, plastic, wood, a composite, .. and combinations thereof." (page 7, lines 16-17) In contrast, the dividers described by Pippin et al are flexible. In fact, one of the touted benefits of the mail-case insert of Pippin et al is "flexible slots to accommodate variations in mail volume for individual mail patrons on a given day" (paragraph 48). Thus, Applicant respectfully submits that claim 9 as amended is not anticipated by Pippin et al.

Accordingly, withdrawal of these rejections is respectfully requested.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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